

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 399 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE H.H.MEHTA

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1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

HAW PAR BROTHERS INTERNATIONALLIMITED

Versus

SRI JAY LABORATORIES

Appearance:

MR RR SHAH with MR KG VAKHARIA, LD.SR. Advocate for Petitioner
MR YJ TRIVEDI for Respondent No. 1

CORAM : MR.JUSTICE H.H.MEHTA

Date of decision: 14/09/2000

ORAL JUDGEMENT

1. The original plaintiffs of Civil Suit No.5435 of
1994 pending on the file of the learned Judge of City
Civil Court, Court No.18, Ahmedabad, has filed this
appeal under Section 104(1) of CPC read with Order 43
Rule 1(r) of the CPC challenging the legality of order

dated 3rd July, 1995, passed below Notice of Motion Ex.6 presented by the plaintiffs in aforesaid suit.

2. Here in this appeal, the appellants are the original plaintiffs whereas the respondent is the original defendant in the aforesaid suit and, therefore, parties will be referred to hereinafter as plaintiffs and defendant respectively at appropriate places.

3. When this appeal came up for hearing before the Court, the learned advocates for both the parties jointly submitted that, without observing anything about the order challenged in this appeal and without assigning any reasons in the judgment, this appeal may be disposed of by giving suitable directions to the learned Judge of the trial Court.

4. Looking to the fact that this suit is of 1994 and the learned Judge of the trial Court also observed in his order that suit be expedited, it would be in the interest of justice and in the fitness of things, the learned Judge of the trial Court is required to be given suitable directions for disposal of the suit, while disposing of this appeal.

5. In view of this, the learned Judge of the trial Court is directed to dispose of the Civil Suit No.5435 of 1994, in accordance with law, preferably within 9 (nine) months from the date of receipt of writ of this Court, without being influenced in any manner by the order of this Court.

6. Both the parties are directed to give full co-operation to the learned Judge of the trial Court so as to enable him to dispose of the suit within a given time.

7. Meanwhile, order dated 24th October, 1994, passed by the learned Judge of the trial Court at the initial stage below Notice of Motion Ex.6 shall continue to remain effective and operative till final disposal of the suit.

With the aforesaid directions, this appeal stands disposed of accordingly with no order as to costs.

(H.H. Mehta, J.)

syed/

